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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,185	12/30/2003	Tsuyoshi Kashima	856.0005.U1(US)	9954
29683 7590 12/31/2007 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212			EXAMINER LUU, LE HIEN	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 12/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/749,185

Applicant(s)

KASHIMA ET AL.

Examiner

Le H. Luu

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/30/03 - 09/03/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09/03/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2141

1. Claims 1-35 are presented for examination.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

or

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-35 are rejected under 35 U.S.C. § 102(e) as being anticipated by Horvitz Pub. No. 2004/0030753.

4. As to claim 1, Horvitz teaches the invention as claimed, including a method for controlling access to an electronic message comprising:

specifying an addressee for an electronic message (page 11, paragraph [0105]);

determining a message context for the electronic message by specifying one or more conditions selected from a group comprising a time condition, a location of the addressee condition and at least one other condition concerning the environment of the addressee, wherein the message context defines conditions that must be satisfied before the addressee of the message can access the message (page 1, paragraph [0009]; page 2, paragraphs [0029-0030]; page 3, paragraph [0038]; page 11, paragraph [0106]);

detecting the context of the addressee and comparing the context of the addressee with the message context (page 7, paragraphs [0077 - 0078]); and

enabling access by the addressee to the electronic message when the detected context of the addressee corresponds to the message context (page 7, paragraphs [0077 - 0078]).

5. As to claims 2-5, Horvitz teaches the group of conditions is augmentable with additional conditions concerning the environment of the addressee; wherein the at least one other condition concerning the environment of the addressee relates to the devices that are proximal to the addressee; wherein the at least one other condition concerning the environment of the addressee relates to the ambient temperature at the addressee; wherein the electronic message additionally includes the context of the originator of the

message identifying plural conditions concerning the environment of the originator (Fig 4; page 3, paragraphs [0038 – 0039]; page 7, paragraphs [0075 - 0077]; page 11, paragraph [0105]).

6. As to claims 6-9, Horvitz teaches the electronic message and the message context are stored at the terminal of the addressee before access to the electronic message is enabled; the step of comparing the context of the addressee with the context of the message occurs at the terminal of the addressee, and the terminal enables the addressee to access the stored message when the context of the addressee corresponds to the context of the stored message; the step of enabling access involves placing the stored electronic message in an Inbox of the terminal; wherein the electronic message is self-addressed (page 12, paragraphs [0118 - 0120]).

7. As to claims 10-14, Horvitz teaches access to the electronic message is enabled by sending the electronic message to the addressee; the step of detecting the context of the addressee occurs at a server remote from the terminal of the addressee using data received from the terminal of the addressee and wherein the step of comparing the context of the addressee with the message context, also occurs at the remote server, which sends the electronic message to the terminal of the addressee when the detected context of the addressee corresponds to the message context; the data received from the terminal of the addressee includes data indicative of the environment of the addressee; the data indicative of the environment of the addressee identifies the

Art Unit: 2141

devices that are proximal to the addressee; the data indicative of the environment of the addressee identifies the ambient temperature at the addressee (Fig 4; page 1, paragraph [0009]; page 3, paragraphs [0038 – 0039]; page 7, paragraphs [0077 - 0078]).

8. As to claims 15-17, Horvitz teaches the context of the addressee is detected using inputs from a plurality of sensors for sensing the environment of the addressee; the plurality of sensors includes a proximity sensor; the plurality of sensors includes a temperature sensor (Fig 4; page 1, paragraph [0009]; page 3, paragraphs [0038 – 0039]).

9. Claims 18-35 have similar limitations as claims 1-17; therefore, they are rejected under the same rationale.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Le H. Luu whose telephone number is 571-272-3884. The examiner can normally be reached on 7:00am - 4:30pm.

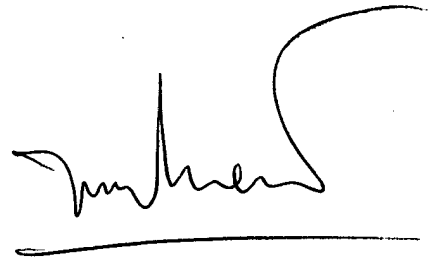
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Art Unit: 2141

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER